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Attorneys for Defendants,
New Jersey Turnpike Authority and
Diane Gutierrez-Scaccetti

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RARITAN BAYKEEPER, INC., d/b/a
NY/NJ BAYKEEPER, EDISON WETLANDS
ASSOCIATION, INC.,

Plaintiffs,

VS.

NL INDUSTRIES, INC., et al.,

Defendants.

Civil Action No. 3:09-cv-04117 (JAP)

NOTICE OF MOTION

TO: Edward Lloyd, Esq.
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PLEASE TAKE NOTICE that, on Monday, November 2, 2009 at 9:30 a.m., or as soon thereafter as counsel may be heard, defendants New Jersey Turnpike Authority and Diane Gutierrez-Scaccetti shall move before the above-named court, at the Clarkson S. Fisher Federal

Building and U.S. Courthouse, 402 E. State Street, Trenton, New Jersey, for an order dismissing the complaint pursuant to Fed.R.Civ.P. 12(b)(1) and (6).

PLEASE TAKE FURTHER NOTICE that in support of the foregoing motion, defendants shall rely upon the brief submitted herewith.

**DECOTIIS, FITZPATRICK,
COLE & WISLER, LLP**

By: /s Thomas A. Abbate

Dated: October 8, 2009